

be another goal in using the surplus that we presently are confronting, or which we are soon to have.

So it is great news that we have this surplus. After 25 years, it is extraordinary news. But the proper management of this surplus is clearly one of the core public policy questions that we have to face as a Congress. It is my view that the proper management of this surplus should involve returning to the taxpayers the funds that were paid in, which gave us the surplus, allowing us to give the taxpayers an opportunity to save for their retirement, and to assure the solvency of the Social Security system, and to begin to pay down the Federal debt. These are the goals that I believe we should be looking at.

I am hopeful that the President, in his State of the Union Address, will set forth a process and a procedure for allowing us to reach these types of goals. So I look forward to hearing the President's proposals in his State of the Union, and I certainly look forward to the next few months as this Congress wrestles with the issue of how to preserve and protect the Social Security system at the same time that we address the budget surplus.

Mr. President, I yield back my time.

The PRESIDING OFFICER. The Senator from Vermont.

#### ICE STORMS IN THE NORTHEAST

Mr. LEAHY. Mr. President, I see my friend from New Hampshire leaving the floor, and I note that he and I have shared a difficult time in the past few weeks with the ice storms in both of our States. But both New Hampshire and Vermont are coming out well. I know that Maine is now still digging out. They have gone through a terrible time, as have the people in upstate New York, and even the Province of Quebec. I note that throughout all that time, every time I called FEMA, James Lee Witt, or anybody else at the Federal level, the response was instantaneous and effective, and that I appreciate.

#### THE ROLE OF INDEPENDENT COUNSEL

Mr. LEAHY. Mr. President, I want to discuss a serious matter. I hesitate to comment on ongoing law enforcement investigations. I have always felt that way.

I am not going to jump into the swirling mix of rumor and revelation and innuendo that has transfixed many in Washington over the last several days. I spent nearly a decade as a prosecutor. I have a very strong sense of what prosecutors should and can do. I am one who has tried to keep any kind of ideological partisanship out of law enforcement decisions. I did that during the time I was a prosecutor, and I have urged that same thing to prosecutors since.

But I am troubled that the independent counsel law has itself been cor-

rupted and no longer serves its intended purpose. The law was part of a congressional effort to create a mechanism that would reassure the American people that partisanship was not influencing prosecutorial decisions, and that law enforcement judgment was being exercised by those who did not have an ax to grind either way—by those who approached matters from a law enforcement point of view, and not—from a lodestone set in a partisan rock.

I cannot say with confidence that this is the case with the current Whitewater counsel. I look at the continuing and very selective leaks and tactics employed by Mr. Starr's office over the last few years, and particularly over the last few days. And, like so many other Vermonters and so many other Americans, it gives me pause to see these kind of tactics that no prosecutor should ever condone in his or her offices.

I have seen reports that two weeks ago he was intent on constructing a sting operation to engage the President of the United States in secretly recorded conversations. Have we sunk this low, Mr. President, that we would do things like this?

I have seen complaints that he sought to pressure a young woman and threaten her mother and father if she did not cooperate in allegations that she was counseled to lie under oath.

Maybe I am missing something here, Mr. President. But this is a far distance from investigating a decade-old land deal in Arkansas. Having spent more than \$30 million of taxpayers' money in what apparently became a self-perpetuating investigation, the goal now seems to go about getting the President by whatever means necessary.

Last summer I was critical of efforts by Mr. Starr's office to involve itself in allegations of marital infidelity. The justification then to justify the leaks coming out of Mr. Starr's office was that maybe pillow talk might lead to the discovery of some evidence relevant to this decade-old land deal in Arkansas.

Now it seems that the current activities of Mr. Starr's office seem oddly coordinated to aid in a civil lawsuit against the President. The Paula Jones case has had a gag order on it from the beginning. Yet every single day we find the lawyers and those allied with Ms. Jones selectively leaking depositions and court proceedings to the public. Almost in conjunction—almost in the same package—we see items selectively leaked from Mr. Starr's office with one passing the other. You would think it was the same law firm carrying out this civil case. I have never seen a prosecutor do something like that in a State court, a Federal court, or any kind of a case.

Having been a prosecutor, I have a sense for the enormous power in that office. If you have \$30 million to spend you have the most power any prosecu-

tor could ever have. But with that power comes a responsibility. Decisions about what to pursue and what to prosecute are among the weightiest exercises of public authority. Exercised irresponsibly and without accountability the prosecutor's power is easily abused and is left to go towards effectively partisan purposes.

My point is that at this juncture we need an independent counsel who is clearly removed from partisanship and who can exercise independent judgment. But the country has neither. This is the most partisan, unjustified, demeaning investigation that I can ever remember in my life. Rather than succeed in insulating the power of the prosecutor from abusive partisan purposes, the independent counsel law appears to have captured partisan forces. This goes beyond any question of what might have happened in Whitewater or anywhere else. It is the tactics being used. The tactics tend in many ways to become so outrageous that they can only be considered partisan. If you want people to have confidence in the result of an investigation, then the investigation has to be nonpartisan, and it has to be perceived to be nonpartisan so that all people can respect what comes out of it.

Frankly, Mr. President, from what I am hearing throughout the country, as well as in my own State, people do not expect any idea of impartiality or nonpartisanship from the prosecutor's office. I hope that Mr. Starr will quickly take steps to change that, and will quickly take steps to stop having his office somehow coordinating itself with a civil case, a civil case involving Paula Jones.

I say this because the country is facing some other issues that also have to be attended to.

On Friday I flew back to Vermont, as I do so often during the month, and I picked up every newspaper that I could on the way up just to read in the airplane. There on the front page of a major newspaper were all of the stories of what leaks are coming out of the Paula Jones case and what leaks are coming out of Mr. Starr's office. Tucked almost as an afterthought were such stories as this: The Pope making a historic visit to Cuba, with all the ramifications that means; Microsoft's settlement with the Justice Department and implications that is going to have for jobs and consumer protection in the years to come; the Unabomber, who terrorized this country for years, pleads guilty; U.S. forces move to arrest a war criminal, something we have not seen I don't think since the time of Nuremberg; the successive visits by Benjamin Netanyahu and Yasser Arafat to this country and the implications on the peace process for the Middle East. There are other such significant stories: The question of whether we are going to have to go into Iraq and act unilaterally because our allies don't appear to have the guts to stand up to Saddam Hussein. All of these